

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :  
 :  
v. :  
 :  
TERRANCE ROSE, :  
 :  
Defendant. :  
-----X

**ORDER**

20 CR 517-3 (VB)

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti

By motion dated March 6, 2024 (Doc. #151), defendant Rose seeks a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).

The motion is DENIED.

Section 3582(c)(2) authorizes the Court to reduce a previously-imposed term of imprisonment "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission," if certain other conditions are met.

As explained in the Court's Order dated December 27, 2023 (copy attached), although the Sentencing Commission, in Amendment 821, recently retroactively amended the Sentencing Guidelines for certain defendants who committed their offense while under a criminal justice sentence, or who had zero criminal history points, neither of these provisions apply to Rose. Thus, Rose's sentencing range has not been lowered by the Sentencing Commission, and he is not eligible for a reduced term of imprisonment under Section 3582(c)(2).

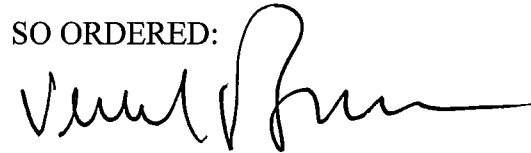
The Court commends Mr. Rose on his efforts to participate in programming designed to change his way of thinking, and to help him to become a productive member of society and a better father to his children. He is encouraged to continue these efforts. However, these efforts at rehabilitation simply do not give this Court a lawful basis to reduce Rose's sentence.

Chambers will mail a copy of this Order to defendant at the following address:

Terrance Rose, Register No. 06502-509  
USP McCreary  
U.S. Penitentiary  
P.O. Box 3000  
Pine Knot, KY 42635

Dated: March 19, 2024  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti

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**ORDER**

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DOC SECT

DOCUMENT

ELECTRONIC

DC#

FILED

12/27/23

In a submission entitled "motion for legal counsel," dated December 18, 2023 (Doc. #140), defendant Rose requests that the Court appoint counsel to assist him in making a motion for a reduction of sentence pursuant to Amendment 821 to the United States Sentencing Guidelines, which took effect on November 1, 2023.

The motion is DENIED because defendant is not eligible for a sentencing reduction under Amendment 821, and therefore no purpose would be served by appointing counsel.

In Amendment 821, the United States Sentencing Commission amended the Guidelines in two respects. Part A amends Section 4A1.1 by reducing from two (2) to one (1) the number of criminal history points added for offenders who committed the instant offense while under a criminal justice sentence, and by limiting this provision to defendants who received seven (7) or more criminal history points. Part B creates a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero (0) criminal history points who meet specified eligibility criteria.

Defendant does not qualify under Part A of Amendment 821 because he did not commit the instant offense while under a criminal justice sentence. Defendant does not qualify under Part B because he did not have zero criminal history points; indeed, he had 11.

Accordingly, defendant is not eligible for a reduction of sentence pursuant to Amendment 821, and no purpose would be served by appointing counsel to assist him in making such a motion.

Chambers will mail a copy of this Order to defendant at the following address:

Terrance Rose, Register No. 06502-509  
USP McCreary  
U.S. Penitentiary  
P.O. Box 3000  
Pine Knot, KY 42635

Dated: December 27, 2023  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge